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10/707,462	12/16/2003	Michael Gabriel Saghbini		1461

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EXAMINER

TRINH, SONNY

ART UNIT PAPER NUMBER

2687

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/707,462

**Applicant(s)**

SAGHBINI, MICHAEL GABRIEL

**Examiner**

Sonny TRINH

**Art Unit**

2687

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4, 6-17, 20 and 21 is/are rejected.  
7) ☒ Claim(s) 5 and 19 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. **Claims 3 and 21** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Limitation (c) of claim 3 and limitation (b) of claim 21 specify that a "...battery connector **unable** to appropriately connect to said cable connecting means...".

However, for the purpose of examining, it is assumed that the word "unable" is removed from the claims. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-4, 6-17, 20-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (hereinafter "Chang"; U.S. Patent Application Publication

2004/0023698 A1) in view of Lee (hereinafter "Lee"; U.S. Patent Application Publication 2003/0211869 A1).

Regarding **claim 1**, with reference to figure 3 and paragraphs [0009] – [0022], Chang discloses a mobile communication system powered by multiple batteries (see external battery 10), comprising:

(a) a handheld mobile telephone having a compact body, comprising a main battery as a primary power source for powering said mobile telephone, and a power connector for detachably connecting to an independent power source regardless of a connection of said main battery (figure 3, connector 20), wherein said main battery forms part of said mobile telephone compact body and is constrained by said compact body, and wherein said mobile telephone is functional without said independent power source (figure 3, main cellular phone 30, it is inherent that the phone 30 is compact and function without the independent power source);

(b) a power cable comprising a flexible power cord having a first end and a second end (figure 3, power connector between the phone 30 and external battery 10), a cable connecting means for connecting said first end to said independent power source, and a cable connector coupled to said second end for mating with said power connector in a secure and a detachable manner without falling off if said mobile telephone is handled (see figure 3);

(c) a supplemental battery, as said independent power source, having a compact body unconstrained by said mobile telephone compact body (figure 3), comprising: (i) an outer housing having a predetermined size and a predetermined shape optimized for

comfortably fitting in a pocket of a user of said mobile telephone (figure 3); (ii) a predetermined weight for comfortable portability by said user (inherent); and (iv) a battery connecting means for functionally connecting said supplemental battery to said cable connecting means to provide an appropriate, a flexible and a functional connection between said supplemental battery and said mobile telephone when said power cable is also connected to said mobile telephone, said functional connection permits powering of said mobile telephone by said supplemental battery (figure 3); and

(d) a mobility advantage designed to ensure a portability and a usability for said mobile communication system similar to a portability and a usability for said mobile telephone which is part of said system (figure 3), said mobility advantage comprising: (i) a predetermined length for said power cable to allow comfortable operation of said mobile telephone connected to said supplemental battery via said power cable when said supplemental battery is associated with a clothing including clothing accessories of said user (figure 3); (ii) a hands-free portability for said mobile telephone, said supplemental battery, and when appropriate said power cable, as separate units, using said clothing including clothing accessories (figure 3); and (iii) no change in a size and a shape of a handheld portable part of said mobile telephone compact body when powered by said supplemental battery via said power cable (figure 3).

It is noted that Chang does not disclose the cable with connectors at both end. In an analogous art, Lee discloses an apparatus for supplying power to mobile phone using earphone microphone connector (abstract). Figure 8 of Lee shows the cable with connectors at both ends for supplying power to the mobile phone.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to incorporate the connector ends, as taught by Lee, to the system of Chang, so that the external power source can be exchanged if the power is exhausted by simply unplug the cable and replacing the external battery.

It is further noted that the combination of Chang and Lee does not explicitly disclose that the external power capacity at least two times greater than a capacity for said main battery. However, it is well known in the art to use external battery source with different power capacity, using the external battery with twice the capacity of the main battery is simply a user's choice and would have been obvious to a person of ordinary skill in the art.

Regarding **claim 2**, this claim is essentially the same as claim 1 with the added limitation in (i) "...comfortable manner, in a pocket of a user of said mobile telephone to minimize a wasted portable space and to maximize a portable power..." which is inherent in Chang's invention and is therefore rejected for the same reasons as in claim 1.

Regarding **claims 3 and 21**, these claims are interpreted and rejected for the same reasons as given in the rejection of claim 1.

Regarding **claim 4**, Chang discloses that the system is a portable flat charger (abstract) which inherently comprises a charging connector used for charging said main battery.

Regarding **claim 6**, Lee further discloses that mobile telephone power connector comprises a connector having a plurality of functions (such as earphone microphone combination (see abstract)).

Regarding **claims 7 and 8**, the combination of Chang and Lee discloses the invention but does not explicitly disclose that the battery is a rechargeable Lithium-Ion or Lithium-Ion Polymer battery. However, Lithium-Ion (Polymer) battery is well known and widely used and it would have been obvious and well within the level of a person of ordinary skill in the art to use a Lithium-Ion battery to supply the mobile telephone. The motivation for using Lithium-Ion or Lithium-Ion Polymer battery is for its capacity and the ability of being recharged many times without the "memory effect".

Regarding **claims 9 and 10**, the combination of Chang and Lee discloses the invention but does not explicitly disclose that the predetermined power capacity for said at least one battery comprises at least 2000 mAh. or 3000 mAh. However, it would have been an obvious matter of design choice to use different battery capacities, since such a selection would have involved a mere change in the selection of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

Regarding **claims 11-17**, these claims merely specify the sizes and weight of the system. It would have been an obvious matter of design choice to vary the sizes and the weight of the component, since such a modification would have involved a mere change in parts. A change in size is generally recognized as being within the level of ordinary skill in the art.

Regarding **claim 20**, since the combination of Chang and Lee discloses the system including the cable connector (see figure 3 of Chang and figure 8 of Lee), it would have been obvious for a person of ordinary skill in the art to modify the connectors to adapt to a plurality of makes and models in order to make the system compatible with existing phones (it is noted here that Applicant does not specify the make and model of the phone).

3. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang as modified by Lee and in further view of McDermott et al. (hereinafter "McDermott"; U.S. Patent Number 6,545,445).

Regarding **claim 18**, the combination of Chang and Lee discloses the invention but does not disclose that power display means disposed within said mobile telephone compact body is modified to display a power status for said minimal housing containing said at least one battery in addition to displaying a power status for said main battery.

In an analogous art, McDermott discloses a multiple battery system and method. McDermott further teaches that the display can provide useful information such as the status of the main battery as well as the status of the auxiliary battery (column 3).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the system of Chang and Lee to display the plurality of battery statuses, as taught by McDermott, to provide useful information to the user in order for the user to change the battery or to reserve the battery for emergency use by looking at the status on the display.



***Allowable Subject Matter***

4. **Claims 5, 19** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding **claim 5**, the applied references fail to disclose or render obvious the claimed limitations, wherein said mobile telephone power connector comprises a dedicated connector separate from of a charging connector used for charging said main battery.

Regarding **claim 19**, the applied references fail to disclose or render obvious the claimed limitations, wherein the mobile communication system of claim 3 further comprising a power circuitry disposed within said mobile telephone compact body is modified to allow said minimal housing containing said at least one battery to exclusively power said mobile telephone without charging said main battery, unless prompted by said user, thus prolonging a life cycle and a capacity for said main battery by preventing its unnecessary charging.

### CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny TRINH whose telephone number is 571-272-7927. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8/5/05

  
SONNY TRINH  
PRIMARY EXAMINER